



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clark R. Baker Jr.

Serial No.: 10/796,559

Filed: March 8, 2004

For: SELECTION OF ENSEMBLE  
AVERAGING FOR A PULSE  
OXIMETER BASED ON SIGNAL  
QUALITY METRICS

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Group Art Unit: 3736

Examiner: Unassigned

Atty Docket: TYHC:0150/FLE/HOF  
P0424R

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

August 9, 2006  
Date

  
David M. Hoffman

Sir:

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.97(c) AND 1.98**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.


Furthermore, the references listed on the attached PTO/SB/08A Form are not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

The following information is listed below in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

Applicants believe this Information Disclosure Statement is properly filed in accordance with 37 C.F.R. § 1.97(c). Consequently, a PTO-2038 is attached to cover the fee of \$180.00 set forth in 37 C.F.R. § 1.17(p). However, the Commissioner is authorized to charge any requisite fee for this Information Disclosure Statement, and any additional fee which may be required, to Deposit Account No. 06-1315; Order No. TYHC:0150/FLE.

Respectfully submitted,

Date: August 9, 2005

  
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Substitute for form 1497 <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> AUG 14 2006 (Use as many sheets as necessary)			<b>Complete if Known</b>	
			Application Number	Unassigned
			Filing Date	Herewith
			First Named Inventor	Clark R. Baker, Jr.
			Art Unit	Unassigned
			Examiner Name	Unassigned
Sheet 1 of 5			Attorney Docket Number	TYHC:0150 / FLE / HOF

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1	US- 3,647,299	03-07-1972	Lavallee	
	A2	US- 3,704,706	12-05-1972	Herczfeld et al.	
	A3	US- 4,063,551	12-20-1977	Sweeney	
	A4	US- 4,086,915	05-02-1978	Kofsky et al.	
	A5	US- 4,095,117	06-13-1978	Nagy	
	A6	US- 4,266,554	05-12-1981	Hamaguri	
	A7	US- 4,407,290	10-04-1983	Wilber	
	A8	US- 4,537,200	08-27-1985	Widrow	
	A9	US- 4,549,551	10-29-1985	Dyck et al.	
	A10	US- 4,603,700	08-05-1986	Nichols et al.	
	A11	US- 4,621,643	11-11-1986	New, Jr. et al.	
	A12	US- 4,649,505	03-10-1987	Zinser, Jr. et al.	
	A13	US- 4,700,708	10-20-1987	New, Jr. et al.	
	A14	US- 4,705,049	11-10-1987	John	
	A15	US- 4,723,294	02-02-1988	Taguchi	
	A16	US- 4,763,282	08-09-1988	Rosenberg	
	A17	US- 4,770,179	09-13-1988	New, Jr., et al.	
	A18	US- 4,773,422	09-27-1988	Isaacson et al.	
	A19	US- 4,799,493	01-24-1989	DuFault	
	A20	US- 4,800,495	01-24-1989	Smith	

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
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Substitute for form 140/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>		
				Application Number		Unassigned
				Filing Date		Herewith
				First Named Inventor		Clark R. Baker, Jr.
				Art Unit		Unassigned
Examiner Name		Unassigned				
Sheet	2	of	5	Attorney Docket Number		TYHC:0150 / FLE / HOF

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	A21	US-	4,802,486	02-07-1989	Goodman et al.	
	A22	US-	4,817,013	03-28-1989	Corenman et al.	
	A23	US-	4,819,752	04-11-1989	Zelin	
	A24	US-	4,824,242	04-25-1989	Frick et al.	
	A25	US-	4,848,901	07-18-1989	Hood, Jr.	
	A26	US-	4,860,759	08-29-1989	Kahn et al.	
	A27	US-	4,863,265	09-05-1989	Flower et al.	
	A28	US-	4,867,571	09-19-1989	Frick et al.	
	A29	US-	4,869,253	09-26-1989	Craig, Jr. et al.	
	A30	US-	4,869,254	09-26-1989	Stone et al.	
	A31	US-	4,883,353	11-28-1989	Hausman et al.	
	A32	US-	4,892,101	01-09-1990	Cheung et al.	
	A33	US-	4,907,594	03-13-1990	Muz	
	A34	US-	4,911,167	03-27-1990	Corenman et al.	
	A35	US-	4,927,264	05-11-1990	Shiga et al.	
	A36	US-	4,928,692	05-29-1990	Goodman et al.	
	A37	US-	4,934,372	06-19-1990	Corenman et al.	
	A38	US-	4,948,248	08-14-1990	Lehman	
	A39	US-	4,949,710	08-21-1990	Dorsett et al.	
	A40	US-	4,955,379	09-11-1990	Hall	

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				Application Number	Unassigned
				Filing Date	Herewith
				First Named Inventor	Clark R. Baker, Jr.
				Art Unit	Unassigned
Examiner Name	Unassigned				
Sheet	3	of	5	Attorney Docket Number	TYHC:0150 / FLE / HOF

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		Number-Kind Code <sup>2</sup> (if known)			
	A41	US- 4,956,867	09-11-1990	Zurek et al.	
	A42	US- 4,958,638	09-25-1990	Sharpe et al.	
	A43	US- 4,960,126	10-02-1990	Conlon et al.	
	A44	US- 4,972,842	11-27-1990	Korten et al.	
	A45	US- 5,025,791	06-25-1991	Niwa	
	A46	US- 5,054,495	10-08-1991	Uemura et al.	
	A47	US- 5,057,695	10-15-1991	Hirao et al.	
	A48	US- 5,058,588	10-22-1991	Kaestle	
	A49	US- 5,078,136	01-07-1992	Stone et al.	
	A50	US- 5,190,038 A	03-02-1993	Polson et al.	
	A51	US- 5,246,002	09-21-1993	Prosser	
	A52	US- 5,267,562	12-07-1993	Ukawa et al.	
	A53	US- 5,273,036	12-28-1993	Kronberg et al.	
	A54	US- 5,348,004	09-20-1994	Hollub	
	A55	US- 5,351,685	10-04-1994	Potratz	
	A56	US- 5,398,682	03-21-1995	Lynn	
	A57	US- 5,431,170	07-11-1995	Mathews	
	A58	US- 5,458,128	10-17-1995	Polanyi et al.	
	A59	US- 5,467,778	11-21-1995	Catt et al.	
	A60	US- Re. 35,122	12-19-1995	Corenman et al.	

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		Number-Kind Code <sup>2</sup> (if known)			
	A61	US- 5,479,922	01-02-1996	Reichl	
	A62	US- 5,482,036	01-09-1996	Diab et al.	
	A63	US- 5,485,847	01-23-1996	Baker Jr.	
	A64	US- 5,490,505	02-13-1996	Diab et al.	
	A65	US- 5,494,032	02-27-1996	Robinson et al.	
	A66	US- 5,503,148 A	04-02-1996	Pologe et al.	
	A67	US- 5,511,042	04-23-1996	O'Brien Jr.	
	A68	US- 5,524,631 A	06-11-1996	Zahorian et al.	
	A69	US- 5,553,615	09-10-1996	Carim et al.	
	A70	US- 5,575,284	11-19-1996	Athan et al.	
	A71	US- 5,575,285	11-19-1996	Takanashi et al.	
	A72	US- 5,588,439	12-31-1996	Hollub	
	A73	US- 5,605,151	02-25-1997	Lynn	
	A74	US- 5,632,272 A	05-27-1997	Diab et al.	
	A75	US- 5,645,059	07-08-1997	Fein et al.	
	A76	US- 5,676,141	10-14-1997	Hollub	
	A77	US- 5,685,299	11-11-1997	Diab et al.	
	A78	US- 5,758,644	06-02-1998	Diab et al.	
	A79	US- 5,769,785	06-23-1998	Diab et al.	
	A80	US- 5,853,364	12-29-1998	Baker et al.	

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	A81	US-	6,002,952	12-14-1999	Diab et al.	
	A82	US-	6,081,735	06-27-2000	Diab et al.	
	A83	US-	6,157,850 A	12-05-2000	Diab et al.	
	A84	US-	6,236,872	05-22-2001	Diab et al.	
	A85	US-	6,360,114	09-19-2002	Diab et al.	
	A86	US-	6,654,624	11-25-2003	Diab et al.	
	A87	US-	6,684,090	01-27-2004	Ali et al.	
	A88	US-	6,996,427	07-07-2006	Ali et al.	
	A89	US-	6,745,060 B1	06-01-2004	Diab et al.	
	A90	US-				
	A91	US-				
	A92	US-				
	A93	US-				
	A94	US-				
	A95	US-				
	A96	US-				
	A97	US-				
	A98	US-				

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